

## **II. REMARKS**

Claims 35-38 are pending in the present application. Claims 1-34 are canceled.

Claims 35-38 are newly presented for consideration. Support for claims 35-37 may be found in at least prior claims 15-17, 20-21, 23-24, FIGS. 4-5, and Specification paragraphs [0033]-[0035] and [0037]-[0038]. No new matter is entered. Support for claim 37 may be found in at least Specification paragraph [0034]. No new matter is entered.

Reconsideration of the claims is respectfully requested.

### **Claim Objections**

Claims 1, 15, and 29 are objected over the phrase “computer readable storage readable medium.” Office Action p.2. This objection is moot as these claims are canceled.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1, 4, 6, 8, 11, 15, 18, 20, 22, 25, 30, and 32 stand rejected under 35 U.S.C. § 102(a) over Karlsson. Office Action pp. 2-5. This rejection is moot as these claims are canceled.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 2-3, 7, 9-10, 12-14, 16-17, 21, 23-24, 26-28, 31, and 33-34 stand rejected under 35 U.S.C. § 103(a) over Karlsson in view of Erb. Office Action pp. 5-8. This rejection is moot as these claims are canceled.

### **Arguments**

It is improper to combine the teachings of Erb with Karlsson because doing so would change Karlsson’s principle of operation. Karlsson teaches a device that determines its location, whereas Erb teaches a telephone system determines the location of a wireless device. Thus, to combine Erb’s teachings with Karlsson would change Karlsson’s principle of a device

determining its location to Erb's principle of an outside system determining the location of a device.

Claim 35 recites "responsive to detecting the incoming telephone call, performing by the telephone, steps comprising: determining a plurality of conditions associated with the telephone." The Examiner alleges Karlsson teaches "determining a plurality of conditions associated with the telephone." Office Action p.3 (citing to Karlsson [0009]). Even if, *arguendo*, Karlsson does teach the claim's "determining," Karlsson is silent to performing such "determining" as a response to detecting an incoming call. The cited portions of Erb are not relied upon and do not teach these limitations at least because Erb teaches its telephone system 20 determines the location of a wireless communication device, but not that the wireless communication device determines its own location. *See* Erb [0034].

Claim 35 also recites "identifying a single policy within the plurality of policies, the single policy containing the condition criteria corresponding to the plurality of conditions associated with the telephone." The Examiner alleges Karlsson teaches these limitations. Office Action p.3 (citing to Karlsson [0022]-[0024] & [0042]-[0044]). Karlsson fails to teach these limitations because Karlsson teaches waiting for triggering events instead of identifying policies. Karlsson teaches:

In this system, a known named location (e.g. a landmark) is associated by the wireless information device user with some trigger-event and some action. When the trigger-event occurs, the action is automatically carried out by the device.  
Karlsson [0020]

In other words, instead of identifying a policy, Karlsson's system waits for a trigger-event and then performs the user associated action. Hence Karlsson fails to teach "identifying a single policy within the plurality of policies, the single policy containing the condition criteria corresponding to the plurality of conditions associated with the telephone."

Claim 35 also recites “adjusting a telephone behavior according to the telephone behavior instruction for the single policy wherein the telephone behavior is an action that the telephone takes in response to the reception of an incoming telephone call.” The Examiner alleges Karlsson teaches these limitations. Office Action p.3 (citing to Karlsson [0017] and [0008]). Specifically, the Examiner alleges Karlsson teaches a trigger event could be an incoming phone call. *Id.* Applicant respectfully disagrees, because Karlsson merely teaches triggers that are based on changes of location and is silent to a trigger based on an incoming phone call. Karlsson triggers associated with a landmark, e.g., leaving an office (Karlsson [0022]), arriving at a psychiatrist (Karlsson [0023]), and being “nearby” a dry-cleaners (Karlsson [0024]), yet Karlsson is silent to a trigger being that of an incoming call. The cited portions of Erb are not relied upon and do not teach such limitations. Hence, the cited fails to teach “adjusting a telephone behavior according to the telephone behavior instruction for the single policy wherein the telephone behavior is an action that the telephone takes in response to the reception of an incoming telephone call.”

Claim 35 also recites “wherein the policy priority number resolves any outcome conflicts between the policies.” The Examiner admits Karlsson fails to teach these limitations and alleges Erb teaches these limitations. Office Action pp. 5-6 (rejecting claim 2 citing to Erb FIG. 4). Specifically, the Examiner interprets Erb’s importance threshold as meeting the claim’s policy priority. *Id.* Applicant respectfully disagrees because Erb is silent to its importance threshold resolving any form of outcome conflicts. Erb teaches redirection zones for different physical locations (Erb FIG. 3 and [0031]), thus, there will be no conflict between two redirection zones because a device cannot exist in two redirection zones (i.e., two different physical places) at the same time. Furthermore, even if a device could be at two different physical places at the same

time, Erb is silent to using the importance threshold to resolve such a conflict. Hence the combination of cited art fails to teach “wherein the policy priority number resolves any outcome conflicts between the policies.”

Claim 35 also recites “wherein the policies are stored in a policy table according to the policy priority number.” The Examiner admits Karlsson fails to teach these limitations and alleges Erb teaches these limitations. Office Action p.6 (rejecting claim 3 citing to Erb FIG. 4 and [0033]). The Examiner now interprets Erb’s “redirection zone” as meeting the claims “policy priority number,” whereas above, the Examiner interpreted Erb’s “importance threshold” as meeting the claim’s “policy priority number.” Based on this new interpretation of the cited art, Erb still fails because even if Erb’s table in FIG. 4 is stored according to the redirection zone, Erb fails to teach that its redirection zones resolve any form of outcome conflicts. The claims policy priority number “resolves any outcome conflicts between the policies,” (as discussed above). Erb teaches redirection zones for different physical locations (Erb FIG. 3 and [0031]), thus, there will be no conflict between two redirection zones because a device cannot exist in two redirection zones (i.e., two different physical places) at the same time. Furthermore, even if a device could be at two different physical places at the same time, Erb is silent to using the redirection zone to resolve such a conflict. Hence the combination of cited art fails to teach “wherein the policies are stored in a policy table according to the policy priority number.”

Claim 35 also recites “wherein the context criterion is determined by a PDA program stored on the telephone by determining the event or activity in the user’s calendar at the specific time that the incoming telephone call is received.” These limitations are supported by at least the prior claim 22 and Specification paragraph [0033]. Applicant believes these limitations

comprise patentable subject matter at least because the cited portions of Karlsson and Erb are silent to these limitations.

Claim 35 also recites “wherein the caller criterion requires determining a caller identity and determining whether the caller matching the caller identity has called within a fixed time interval.” These limitations are supported by at least the prior claim 23 and Specification paragraph [0034]. Applicant believes these limitations comprise patentable subject matter at least because the cited portions of Karlsson and Erb are silent to these limitations.

Claim 36 recites “wherein the fixed time interval is the previous two minutes.” These limitations are supported by at least the prior claim 23 and Specification paragraph [0034]. Applicant believes these limitations comprise patentable subject matter at least because the cited portions of Karlsson and Erb are silent to these limitations.

Claim 37 distinguishes over the prior art for all of the reasons set forth above.

#### CONCLUSION

Applicant submits that the claims are now in condition for allowance.

Respectfully submitted,



Rudolf O. Siegesmund  
Registration No. 37,720  
Gordon & Rees LLP  
Suite 2800  
2100 Ross Avenue  
Dallas, Texas 75201  
214-231-4660  
214-461-4053 (fax)  
[rsiegesmund@gordonrees.com](mailto:rsiegesmund@gordonrees.com)